

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN MALONE,

Plaintiff,

No. CIV S-03-0363 FCD KJM P

vs.

CORRECTIONAL OFFICER  
MARTINEZ,

Defendant.

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Plaintiff has filed a motion asking that the court order the California Department of Corrections to submit all of defendant's personnel records for possible use by plaintiff while cross-examining defendant at trial. The only legal authority plaintiff cites in support of his request is Federal Rule of Civil Procedure 31, but that rule concerns depositions by written questions. In any case, the Federal Rules of Civil Procedure do not provide authority for the action requested by plaintiff. Plaintiff's request will be denied.

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1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's January  
2 13, 2006 "motion for discovery" is denied.

3 DATED: May 1, 2006.

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6 UNITED STATES MAGISTRATE JUDGE  
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